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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

SYLVIA ANN HERNANDEZ,

Defendant and Appellant.

B165049

(Los Angeles County
Super. Ct. No. KA058805)

APPEAL from a judgment of the Superior Court of Los Angeles County, Daniel J. Buckley, Judge. Affirmed.

California Appellate Project, under appointment by the Court of Appeal, Jonathan B. Steiner, Executive Director, Elizabeth A. Courtenay, Staff Attorney; and Sylvia Ann Hernandez, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Sylvia Hernandez was convicted by jury of possession of methamphetamine for the purpose of sale and maintaining a place for selling methamphetamine. She appealed and we appointed counsel to represent her.

On June 2, 2003, appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441–442, in which no issues were raised. On June 3, we notified defendant by letter that within 30 days she could personally submit any contentions or issues that she wished us to consider. Defendant made such a submission, which was filed on June 19, 2003.

Defendant's conviction arose from a search warrant executed at her Valinda residence on October 2, 2002. The preceding August 13, Los Angeles County Deputy Sheriff Richard Maier conducted a surveillance of the residence for a period of 25 minutes. During that time, he observed defendant engage in eight separate hand-to-hand sales transactions. The transactions occurred when a customer would call or whistle for defendant and she would come to the front yard to make the sale. Maier described the transactions as taking no longer than three minutes each.

When the warrant was executed on October 2, defendant was placed in handcuffs. Deputy Maier noticed that defendant was fidgeting and asked her if the handcuffs were too tight. Although defendant said they were not, she continued to fidget. Maier went to loosen defendant's handcuffs, whereupon defendant dropped two baggies of methamphetamine to the ground. Maier explained that the baggies "could have come from [defendant's] hand or they could have come from someplace secreted on her person."

In her submission to this court, defendant argues that if on October 2 she engaged in eight separate transactions of three minutes each, 24 minutes of Maier's 25-minute surveillance would have been taken up with the transactions. From this, one would have to conclude that there was a "continuous line" of customers who "would not have to yell

or whistle for [her] attention.” With respect to the two baggies, defendant asserts (without citation to the record) that at one point Maier testified that he saw her drop the baggies and at another time he testified that he did not see her drop the baggies. Thus, concludes defendant, “[t]he flagrant discrepancies in Detective Maier[’s] testimony are both apparent and numerous.”

Defendant’s submission is, in essence, an attack on the sufficiency of the evidence to support her conviction. But this court does not reweigh the evidence and or reassess the credibility of the witnesses. (See *People v. Bolin* (1998) 18 Cal.4th 297, 333; *People v. Culver* (1973) 10 Cal.3d 542, 548.) Indeed, the very point defendant makes here about the number of sales observed by Maier in a short period of time was ably presented by her trial counsel in argument to the jury.

“In assessing a claim of insufficiency of evidence, the reviewing court’s task is to review the whole record in the light most favorable to the judgment to determine whether it discloses substantial evidence—that is, evidence that is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. [Citation.] . . . “Although it is the duty of the jury to acquit a defendant if it finds that circumstantial evidence is susceptible of two interpretations, one of which suggests guilt and the other innocence [citations], it is the jury, not the appellate court[,] which must be convinced of the defendant’s guilt beyond a reasonable doubt. “If the circumstances reasonably justify the trier of fact’s findings, the opinion of the reviewing court that the circumstances might also reasonably be reconciled with a contrary finding does not warrant a reversal of the judgment.” ’ [Citations.]” [Citation.]” (*People v. Rodriguez* (1999) 20 Cal.4th 1, 11.)

We are of the opinion that the evidence is sufficient to support defendant’s guilt of the charged offenses. Accordingly, her contention must be rejected.

We have examined the entire record and are satisfied that defendant's attorneys have fully complied with their responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.

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MALLANO, J.

We concur:

SPENCER, P. J.

ORTEGA, J.